

## JAMES STACK.

MAY 7, 1884.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CULLEN, from the Committee on Invalid Pensions, submitted the following

### REPORT:

[To accompany bill H. R. 6665.]

*The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6665) granting a pension to James Stack, respectfully report:*

James Stack enlisted in the military service of the United States as a private in Company F, One hundred and thirtieth Regiment Illinois Volunteers, August 7, 1862, and was honorably discharged August 11, 1865, on account of disability contracted in the military service of the United States.

April 29, 1882, he filed a declaration for pension, alleging that at Memphis, Tenn., February 19, 1863, while digging in a gravel bank, in line of duty, his left collar-bone was broken, and left hand and arm injured, which claim was rejected February 16, 1883, on the ground that the alleged disability was not incurred while in the line of duty.

C. Winne, surgeon Seventy-seventh Illinois Volunteers, in a certificate of disability for discharge, dated August 11, 1865, says:

I have carefully examined the said James Stack and find him incapable of performing the duties of a soldier because of injuries received on the 19th of February, 1863, at Memphis, Tenn., by the caving of a bank of earth, fracturing the left clavicle, which, united with considerable displacement of the fractured bone, disabled him from carrying a gun or knapsack. He also suffers from pain in both inguinal regions on making extra exertions. He is wholly unable to perform the duties of a soldier, and will not recover during the balance of his time of service. Physically unfit for Veteran Reserve Corps. Degree of disability, one-eighth.

Attached to the certificate of disability for discharge is the following:

I certify that the within James Stack, applicant for a discharge, based on surgeon's certificate of disability, was injured by the caving in of a bank of earth at Fort Pickering, Memphis, Tenn., while in the employ of the post sutler, by permission of his company and regimental commanders.

JOHN B. REID,

*Lieutenant-colonel Seventy-seventh Illinois Volunteer Infantry.*

The records of the Adjutant-General disclose the following service of the soldier:

Present on roll for January and February, 1863; March and April, 1863, absent sick in hospital at Saint Louis, and so borne till August 31, 1863; September and October, 1863, present. Transferred to Company F, Seventy-seventh Illinois Volunteers, and taken up on roll for January and February, 1864, present. Transferred to Company C, One hundred and thirtieth Illinois Volunteers (new organization), and is reported on muster-out roll of company dated August 15, 1865. Discharged for disability August 11, 1865.

D. Wilkins, M. D., of Greenville, Ill, surgeon of claimant's regiment, testifies, April 29, 1882:

That claimant in the line of duty at Memphis, Tenn., February 19, 1863, was injured by an embankment of dirt falling upon him. Body contused; left clavicle fractured; gave him medical and surgical treatment for a few days immediately after the accident.

John B. Reid, major and lieutenant-colonel, claimant's regiment, testifies. April 29, 1882:

That at Memphis, Tenn., February 19, 1863, claimant was injured by the caving in of a sandbank. His left collar-bone was broken, and his left hand and arm injured; saw claimant immediately after the accident. He was bleeding at the mouth. Subsequently came near dying.

June 20, 1882, William A. Allen, United States examining surgeon, of Greenville, Ill., certifies:

This applicant states that a sandbank fell on him and injured his left side; the clavicle on the left side has been fractured and the adjustment was very defective. The fracture was near the middle, and the outer fragments slipped behind the sternal fragment about two inches. The left shoulder drops forward and inward. For fracture of the left clavicle he should be rated one-fourth.

We have examined the evidence very carefully, and in view of the soldier having the express permission of his company and regimental commanders to perform the work in which he received the disability for which he was discharged from the service, on which he now asks a pension, and which is shown to continue from the date of his discharge to the present, your committee recommend the passage of the accompanying bill.

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